

ANALYSIS

This ordinance amends Title 5 – Personnel, Appendix 1 (Civil Service Rules), of the Los Angeles County Code by amending the Management Appraisal and Performance Plan ratings referenced in Civil Service Rules 17.04 (Restoration after subsequent appointment), 19.03 (Order of layoff), 20.02 (Ratings), and 20.11 (Management appraisal and performance plan participants).

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(Requested: 05/09/07)
(Revised: 05/14/07)

ORDINANCE NO. _____

An ordinance amending Title 5 – Personnel, Appendix 1, of the Los Angeles County Code to reflect revised performance ratings resulting from the restructuring of the Management Appraisal and Performance Plan.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 5.200APX.001-1 is hereby amended to read as follows:

5.200APX.001-3 Appendix 1 -- Civil Service Rules* -- Part 3 (Rules 13 -- 18).

17.04 Restoration after subsequent appointment.

A. An employee with permanent status shall be restored to the last prior position held on a permanent basis (or at the discretion of the appointing power to a position to which a transfer or reassignment from such prior position would be authorized by these Rules) without loss of seniority in the event that:

1. Such employee's subsequent appointment to a permanent position, or the examination or eligible list from which such subsequent appointment was made, is held to be void or voidable by the court at any time;
2. Such employee is released during a probationary period, released from a position to which the employee had been appointed on a temporary basis, or reduced in rank from a subsequent higher permanent position at any time.

B. In either case, if the subsequent appointment was from a position in one department to a position in another department, then the restoration shall be to the nearest equivalent position in the new department (or at the discretion of the appointing power, to a position to which a transfer or reassignment from such equivalent position would be authorized by these Rules), unless both appointing powers concur in the employee's return to the old department.

C. If, however, the new department does not have a position equivalent in rank to the one which the employee formerly held in the old department to which the employee can be reduced, then an employee who fails to successfully complete a probationary period shall have the right to be placed on an appropriate department reemployment list for his/her former department. When a vacancy occurs in the same or related lower class of position, the appointing power shall appoint the person highest on the list who is available before any other appointment may be made. The right to reemployment does not apply to an employee whose last performance rating in the old department was less than "competent," or for employees under the management appraisal and performance plan or performance-based pay plans rated "Needs Improvement Meeting Expectations," "Needs Improvement," "Failed to Meet Expectations," "Unsatisfactory Performance," or less than "fully meets expectations," as the case may be, provided it was on file with the former department prior to the date the employee's service began in the new department. By accepting the new position, the employee does not waive the right to appeal the performance evaluation from the old department.

SECTION 2. Section 5.200APX.001-4 is hereby amended to read as follows:

5.200APX.001-4 Appendix 1 -- Civil Service Rules* -- Part 4 (Rules 19 -- 26).

19.03 Order of layoff.

In case there are two or more permanent employees in the class from which layoff or reduction is to be made:

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D. Management appraisal and performance plan tier I participants holding positions in the classified service and tier II participants shall be laid off or reduced by department according to the participant's class and last performance rating in the following order: "~~Unsatisfactory Performance,~~" "Failed to Meet Expectations," "~~Needs Improvement~~ Meeting Expectations," "~~Merit Performance,~~" "Met Expectations," "~~Exceptional Performance,~~" "Exceeded Expectations," "Far Exceeded Expectations." In case of a tie affecting two or more persons in the same rating category, layoff or reduction shall be according to seniority in the range. In the case of a tie affecting two or more persons with the same seniority, the order of layoff or reduction shall be at the discretion of the appointing power.

20.02 Ratings.

A. Ratings of efficiency of performance shall be made for permanent employees at least once each year, and for probationers by the end of the probationary period. A revised rating may be submitted by the appointing power at any time.

B. Performance ratings, in whole or in part, singly or cumulatively, are not, in themselves, compelling or presumptive of any particular score, grade or ranking on any part of a competitive examination.

C. When an employee terminates employment, his/her most recent rating on file shall be the rating of record, and no additional rating need be made unless the performance has changed to unsatisfactory or "~~Unsatisfactory performance~~" "Failed to Meet Expectations" for management appraisal and performance plan participants. If a new rating is to be given, the report must be made and mailed within 30 days of employee's date of termination.

D. No rating need be made for temporary employees.

20.11 Management appraisal and performance plan Tier I and Tier II participants.

For employees who are not in a bargaining unit certified by ERCOM and who are compensated under the management appraisal and performance plan, performance will be evaluated at the end of each performance period using a written performance plan approved by the appointing authority. For employees who are serving a probationary period subsequent to appointment to a position paid under the management appraisal and performance plan, an interim review of the participant's performance must be completed prior to completion of the probationary period. The performance rating plan shall be in a format approved by the director of personnel. Overall performance evaluation ratings shall be assigned according to the following categories:

A. Permanent Employees.

1. "Exceptional Performance." "Far Exceeded Expected Expectations." Recognizes exceptional, unexpected, and highly successful outcome of performance, special assignments, or unusual opportunities. Significantly exceeds performance requirements on all job responsibilities, job skills, expectations, and goals. Performance and quality of work are at such a high level that the manager is performing substantially beyond the scope normally expected of his/her the present position. This rating justifies the utmost confidence in handling the most sensitive and complex situations. This rating category is reserved for recognition of extraordinary performance and unlikely to be repeated two years in a row.

2. "Merit Performance." "Exceeded Expectations." Recognizes performance which meets or exceeds expectations of managers. Consistently meets or exceeds Performance exceeded most and met all other performance requirements ~~for~~ on all job responsibilities, job skills, behaviors, expectations, and goals as defined in the performance plan. ~~Performance and quality of work at or well above expected performance.~~

3. "Met Expectations." Performance met goals, behaviors, and expectations as defined in the performance plan.

3 4. "Needs Improvement Meeting Expectations." Although some goals and expectations may have been met, some improvement is required to meet performance requirements. Performance failed to meet some of the goals, behaviors, and expectations as defined in the performance plan. Performance or quality of work is

slightly below the satisfactory level and must be improved to the level of "Met Expectations." Improvement to the "Merit Performance" level should be sought and expected. When this rating is given, a remedial performance plan is required with a scheduled six-month review. Such evaluation shall bear an overall rating other than "Needs Improvement." Each appointing authority may or may not rate anyone in this category in any given year. This performance rating requires a remedial performance plan, and within six months, a review and rating of performance with an overall rating of other than "Needs Improvement Meeting Expectations."

4. 5. "Unsatisfactory Performance." "Failed to Meet Expectations."

~~Fails to meet performance requirements. Unsatisfactory performance is exhibited. Whether due to lack of effort, knowledge, skills, or due to unsatisfactory behavior, the employee requires close direction. The trend in performance is either downward or showing marginal yet unsatisfactory improvement. When this rating is given, it must be accompanied with discharge or reduction in those cases in which the employee is still in service~~ Performance failed to meet most of the goals, behaviors, and expectations as defined in the performance plan. When employee receives this rating, the employee must receive a notice of reduction or discharge if still in County service in accordance with the provisions of Rule 18.

B. Probationary Employees.

1. A probationary employee may be rated ~~"Exceptional Performance,"~~
~~"Merit Performance,"~~ or ~~"Unsatisfactory Performance"~~ "Far Exceeded Expectations,"
"Exceeded Expectations," "Met Expectations," or "Failed to Meet Expectations" as
defined above.

2. An overall rating of ~~"Merit Performance"~~ or ~~"Exceptional~~
~~Performance"~~ "Far Exceeded Expectations," "Exceeded Expectations," or "Met
Expectations" as defined above, carries with it the appointing authority's approval to
make the appointment final and complete.

3. An overall rating of ~~"Unsatisfactory Performance"~~ "Failed to Meet
Expectations" as defined above carries with it the appointing authority's decision not to
approve final and complete appointment followed by discharge or reduction in
accordance with the provisions of Rule 18.

C. Performance Rating Transition.

~~1. Performance-Based Pay Plan. The last performance-based pay~~
~~plan rating of former participants in the plan, shall be used for all purposes on or after~~
~~January 1, 1997 and continue only until a new performance rating is given under the~~
~~management appraisal and performance plan. Performance-based pay plan ratings~~
~~shall be treated as if they are the same as management appraisal and performance~~
~~plan ratings as follows:~~

"Far Exceeds Expectations"	= "Exceptional Performance"
"Exceeds Expectations"	= "Merit Performance"
"Fully Meets Expectations"	= "Merit Performance"
"Marginally Meets Expectations"	= "Needs Improvement"
"Does Not Meet Expectations"	= "Unsatisfactory Performance"

2.1. Performance Evaluation. The last performance evaluation rating under Civil Service Rule 20.04, shall be used for all purposes on or after January 1, 1997 and continue only until a new performance rating is given under the management appraisal and performance plan. Performance evaluation ratings under Civil Service Rule 20.04 shall be treated as if they are the same as management appraisal and performance plan ratings as follows:

a. Permanent employees.

"Outstanding"	= "Exceptional Performance" = <u>"Far Exceeded Expectations"</u>
"Very Good"	= "Merit Performance" = <u>"Exceeded Expectations"</u>
"Competent"	= "Merit Performance" = <u>"Met Expectations"</u>
"Improvement Needed"	= <u>"Needs Improvement Meeting Expectations"</u>
"Unsatisfactory"	= "Unsatisfactory Performance" = <u>Failed to Meet Expectations"</u>

b. Probationary employees.

"Competent"	= "Merit Performance" = <u>"Met Expectations"</u>
"Unsatisfactory"	= "Unsatisfactory Performance" = <u>"Failed to Meet Expectations"</u>

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